

Last revised 8/1/15

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

Juliette Marshall-Curry,

Case No.: 16-24892

Judge: MBK

Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

☐ Original

☒ Modified/Notice Required

☒ Discharge Sought

☐ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: 02/13/2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 407 per Month (also see 1e) to the Chapter 13 Trustee, starting on 09/01/2016 for approximately 6 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☒ Other sources of funding (describe source, amount and date when funds are available):

Debtor Seeking Modification of Home

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☒ Loan modification with respect to mortgage encumbering property:

Description: Property located at 9 Bayleaf Drive, Lumberton, NJ 08048

Proposed date for completion: 07/01/2017

- d. ☒ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☒ Other information that may be important relating to the payment and length of plan:

\$407 per Month Paid to Trustee starting 9/1/2017 for 6 Months; Trustee Payment to Increase to \$512 for Remaining 54 Months of Plan.

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Donald C. Goins, Esq. 323 Washington Avenue Elizabeth, NJ 07202	Attorney Fees	\$2000

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
M & T Bank c/o Denise Carlon, Esq. KML Law Group 216 Haddon Ave. Westmont, NJ 08108	Mortgage	\$58,941.67	-0-	Debtor is Seeking Loan Modification; Trustee to make Trustee to make Payments to M&T Bank Pending Loan Modification Application	\$1830.76
Country Estate HOA Dennis McInerney, Esq 710 Main Street Moorestown, NJ 08057	HOA Fees	\$1300	-0-	\$1300	\$55

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Student Loans jwill be Paid by Debtor Outside of Plan

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☐ Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate
☒ Upon confirmation
☐ Upon discharge

b. Payment Notices
 Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution
 The Trustee shall pay allowed claims in the following order:
 1) Trustee commissions
 2) Priority Claims
 3) Secured Claims
 4) Unsecured Claims

d. Post-Petition Claims
 The Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.
 Date of Plan being Modified: 10/24/2016

Explain below why the plan is being modified: 1. To cure Mortgage Arrearages of \$58,941.67; 2. To Modify Trustee Payments; 3. Student Loans to be Paid Outside of Plan; 4. Mortgage Payment Changed; and, 5. Order of Distribution Modified.	Explain below how the plan is being modified: 1. Mortgage Arrearages to be cured through the Plan; 2. Trustee Payments Modified; 3. Student Loans to be Paid Outside of Plan; 4. Modified Mortgage Payment; and, 5. Order of Distribution Modified.
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Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 02/13/2017

/s/ Donald C. Goins, Esq.
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 02/13/2017

/s/ Juliette Marshall-Curry
Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Juliette Marshall-Curry
 Debtor

Case No. 16-24892-MBK
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

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 Total Noticed: 26

Date Rcvd: Feb 15, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 17, 2017.

db Juliette Marshall-Curry, 9 Bayleaf Drive, Lumberton, NJ 08048-4228
 cr +Country Estates Townhouse Ass'n, Thomas J. Orr, 321 High St., Burlington, NJ 08016-4411
 516381097 AES/JP MORGANCHASE, PO Box 61047, Harrisburg, PA 17106-1047
 516381086 +AES/JP Morgan Chase, PO Box 6107, Harrisburg, PA 17112
 516381087 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, PO Box 982235, El Paso, TX 79998)
 516381099 Cancer Center of America, 120 W Adams St, Chicago, IL 60603-4104
 516381088 Cancer Center of America, 20 W Adams Street, Chicago, IL 60603-4104
 516381089 +Capital One, PO Box 30281, Salt Lake City, UT 84130-0281
 516381102 +Country Estates Townhouse Association, 710 East Main Street, Ste 2B,
 c/o Law Office Of Dennis P McInerney LLC, Moorestown, NJ 08057-3066
 516381101 Country Estates Townhouse Association, c/o Law Office Of Dennis P McInerney LLC,
 710 E Main St Ste 2B, Moorestown, NJ 08057-3066
 516381090 +Country Estates Townhouse Association, c/o Law Offices of Dennis P McInerney, L,
 710 E Main Street, Ste 2B, Moorestown, NJ 08057-3066
 516492393 +Emerg Phys Svcs of Nj P.A., 6681 Country Club Drive, Golden Valley MN 55427-4601
 516381103 HESA, PO Box 528, Newark, NJ 07101-0528
 516381091 HESAA, PO Box 528, Newark, NJ 07101-0528
 516402114 +HESAA, PO Box 548, Trenton, NJ 08625-0548
 516321173 M&T BANK, c/o Romano Garubo & Argentieri Counselor, 52 Newton Ave,
 Woodbury, NJ 08096-4610
 516381096 M&T Bank, c/o Romano Garubo & Argentieri, 52 Newton Avenue, Woodbury, NJ 08096-4610
 516381106 MEDICAL S JERSEY EMERGENCY, PO Box 64378, Saint Paul, MN 55164-0378
 516381092 Medical S Jersey Emergency, PO Box 64378, St. Paul, MN 55164-0378
 516381093 Memorial Sloan Kettering Hospital, 1275 New York Avenue, New York City, NY 10065
 516381094 +Mohela, 14528 S Outer 40 Rd, Chesterfield, MO 63017-5785
 516381095 +The CBE Group, Inc., PO Box 480, Waterloo, IA 50704-0480

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Feb 15 2017 23:57:34 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Feb 15 2017 23:57:32 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516367720 E-mail/Text: camanagement@mtb.com Feb 15 2017 23:57:15 M&T Bank, P.O. Box 840,
 Buffalo, NY 14240-0840
 516518972 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 16 2017 00:01:06
 Portfolio Recovery Associates, LLC, C/O capital One Bank (usa), N.a., POB 41067,
 Norfolk VA 23541

TOTAL: 4

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516381098* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank Of America, PO Box 982235, El Paso, TX 79998)
 516381100* +Capital One, PO Box 30281, Salt Lake City, UT 84130-0281
 516381104* HESAA, PO Box 528, Newark, NJ 07101-0528
 516381105* M&T BANK, c/o Romano Garubo & Argentieri Counselor, 52 Newton Ave,
 Woodbury, NJ 08096-4610
 516381108* MOHELA, 14528 S Outer 40 Rd, Chesterfield, MO 63017-5785
 516381107* Memorial Sloan Kettering Hospital, 1275 New York Ave, New York City, NY 10065
 516381109* THE CBE GROUP, INC, PO Box 480, Waterloo, IA 50704-0480

TOTALS: 0, * 7, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 17, 2017

Signature: /s/Joseph Speetjens

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 26

Date Rcvd: Feb 15, 2017

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 13, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor M&T BANK dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Donald C. Goins on behalf of Debtor Juliette Marshall-Curry dcgoins1@gmail.com,
G25787@notify.cincompass.com
Thomas J Orr on behalf of Creditor Country Estates Townshouse Ass'n tom@torrlaw.com,
xerna@aol.com

TOTAL: 5